

REMARKS

Claim 1 has been amended to incorporate the recitations of claims 3 and 4, which have been cancelled. New claim 18 has been added, which contains the recitations of claim 1, 3 and 4 as filed, and further recites that the bacteria is maintained within the bioreactor and is not exposed to the higher temperatures used in the cleaning device. Support for these latter recitations can be found at least at page 3, lines 5-10 of the specification.

In the prior parent application, the claims were rejected under 35 U.S.C. §103(a) based on Hakansson, WO92/16314 (hereinafter "the '314 patent") in view of Ripley ('371) and further in view of Caroli ('180). Claims 3-4, 10-11 and 13-14 were rejected in view of the above references, and further in view of Hakansson '432.

The '341 patent fails to teach a dual temperature zone apparatus. Rather, the bioreactor and the cleaning chamber (purification housing) of '341 are at the same temperature. Indeed, '341 *teaches away* from a dual temperature zone apparatus at page 1, line 35 to page 2, line 5. Hence, regardless of the teachings of the secondary references, modifying '341 to provide a dual temperature zone is hindsight, and such a suggestion can only be made with reference to applicant's own disclosure. New claim 18 further distinguishes from '341 by reciting that the bacteria are maintained only in the bioreactor. In '341, bacteria are apparently circulated both in the bioreactor and the cleaning zone.

Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness and a Notice of Allowance of claims 1, 2 and 5-18 is requested.

1217 King Street
Alexandria, VA 22314
(703) 299-0035 telephone
(703) 299-0036 facsimile

Date: 08/26/2009

Respectfully submitted,

WRB-IP LLP

By: 

David J. Serbin

Registration No. 30,589